

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. no. 09/478,616

Filed: January 4, 2000

Examiner: Colleen P. Cooke

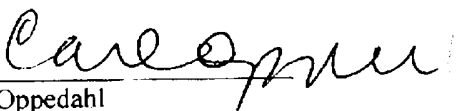
Art unit: 1725

Conf. no. 1912

Attorney docket no. KWPTP001US2

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Carl Oppedahl

RESPONSE TO OFFICE ACTION

This paper responds to the Office Action dated May 7, 2003.

In view of the Appeal Brief filed February 11, 2003, the Examiner has withdrawn the rejection of the pending claims which had previously been maintained in view of reference EP 0 344 726 ("Tsubone").

Now the Examiner rejects all claims in view of a two-way combination of Tsubone and a US Pat. No. US 6,231,962 to Bries et al. ("Bries").

It should next be noted that Tsubone and Bries are non-analogous art and would not be combined by one skilled in the art. Tsubone directs its use to a packaging material (as does the claimed invention), but Bries directs itself to a sort of Post-It Note that contains foam. (Bries teaches a **removable** material with an adhesive select so that the material, an adhesive tape, can be removed without defacing the wall to which the tape is temporarily applied. Col. 1, Field of the Invention, col. 2, lines 52-56.) For this reason alone the Examiner is requested to withdraw the rejection as being based upon an improper combination of two references.

It is also noted that the Examiner has provided no support for the view that the references would be combined. Applicant's attorney disagreed with this view, and motivated by the case of *In Re Ahlert and Kruger*, 165 USPQ 418 (CCPA 1970) applicant's attorney hereby challenges this view and asks whether the Examiner can show support for this view. Absent such support, it is requested that the rejection be withdrawn.

They would be useless for that purpose. They would delaminate easily. A combination of the features taught in Bries would lead to a packaging material that is extremely poorly suited to its purpose.

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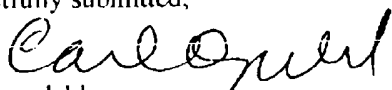
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For all of these reasons it is requested that the two-way communication be withdrawn, and thus that the rejection be withdrawn.

The Examiner is respectfully reminded of the arguments which have previously been made in this application in the Appeal Brief regarding Tsubone.

Attached please find Forms PTO/SB/22 and PTO-2038.

Respectfully submitted,



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